

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

HEAT EXCHANGER

(Attorney Docket No. 016906-0323)

the specification of which (check one)

\_\_\_\_\_ is attached hereto.

X was filed on October 31, 2003 as United States Application Number or PCT International Application Number PCT/EP2003/012138 and was amended on \_\_\_\_\_ (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear,

concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?
102 56 869.3	Federal Republic of Germany	4 December 2002	YES	

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number


I HEREBY APPOINT the registered attorneys and agents at Customer Number

**22428**

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

Richard L. Schwaab  
FOLEY & LARDNER LLP  
Customer Number **22428**

Telephone: (202) 672-5414  
Facsimile: (202) 672-5399

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

<i>1-20</i> Name of first inventor	<u>Werner HELMS</u>
Residence	<u>Esslingen, Federal Republic of Germany</u> <i>DEX</i>
Citizenship	<u>Federal Republic of Germany</u>
Post Office Address	<u>Weimarer Strasse 22</u> <u>73730 Esslingen</u> <u>Federal Republic of Germany</u>
Inventor's signature	<u><i>W. Helms</i></u>
Date	<u><i>1.10.2004</i></u>

2-00 Name of second inventor  
 Residence  
 Citizenship  
 Post Office Address  
 Inventor's signature  
 Date

Markus RECK  
Stuttgart, Federal Republic of Germany DEX  
Federal Republic of Germany  
Haeckerstrasse 4  
70565 Stuttgart  
Federal Republic of Germany  
M. Reck  
5.10.2004

3-00 Name of third inventor  
 Residence  
 Citizenship  
 Post Office Address  
 Inventor's signature  
 Date

Stefan WEISE  
Stuttgart, Federal Republic of Germany DEX  
Federal Republic of Germany  
Kyffhäuser Strasse 50  
70469 Stuttgart  
Federal Republic of Germany  
Stefan Weise  
06.10.2004

Declaration and Power of Attorney For Patent Application  
Erklärung Für Patentanmeldungen Mit Vollmacht  
German Language Declaration

Der'd PCT

10 JAN 2005

Als nachstehend benannter Erfinder erkläre ich hiermit an  
Eides Statt:

As a below named inventor, I hereby declare that:

dass mein Wohnsitz, meine Postanschrift, und meine  
Staatsangehörigkeit den im Nachstehenden nach meinem  
Namen aufgeführten Angaben entsprechen,

My residence, post office address and citizenship are as stated  
below next to my name,

dass ich, nach bestem Wissen der ursprüngliche, erste und  
alleinige Erfinder (falls nachstehend nur ein Name angegeben  
ist) oder ein ursprünglicher, erster und Miterfinder (falls  
nachstehend mehrere Namen aufgeführt sind) des  
Gegenstandes bin, für den dieser Antrag gestellt wird und für  
den ein Patent beantragt wird für die Erfindung mit dem Titel:

I believe I am the original, first and sole inventor (if only one  
name is listed below) or an original, first and joint inventor (if  
plural names are listed below) of the subject matter which is  
claimed and for which a patent is sought on the invention  
entitled

HEAT EXCHANGER

HEAT EXCHANGER

deren Beschreibung

the specification of which

(zutreffendes ankreuzen)

(check one)

☐ hier beigelegt ist.

☐ is attached hereto.

☒ am October 31, 2003 unter der

☒ was filed on October 31, 2003 as

Anmeldungsseriennummer PCT/EP2003/012138

Application Serial No. PCT/EP2003/012138

eingereicht wurde und am abgeändert wurde

and was amended on \_\_\_\_\_  
(if applicable).

\_\_\_\_\_ (falls tatsächlich abgeändert).

Ich bestätige hiermit, dass ich den Inhalt der obigen  
Patentanmeldung einschliesslich der Ansprüche durchgesehen  
und verstanden habe, die eventuell durch einen Zusatzantrag  
wie oben erwähnt abgeändert wurde.

I hereby state that I have reviewed and understand the  
contents of the above identified specification, including the  
claims, as amended by any amendment referred to above.

Ich erkenne meine Pflicht zur Offenbarung irgendwelcher  
Informationen, die für die Prüfung der vorliegenden  
anmeldung in Einklang mit Absatz 37, Bundesgesetzbuch,  
Paragraph 1.56(a) von Wichtigkeit sind, an.

I acknowledge the duty to disclose information which is  
material to the examination of this application in accordance  
with Title 37, Code of Federal Regulations, §1.56(a).

Ich beanspruche hiermit ausländische Prioritätsvorteile  
gemäss Abschnitt 35 der Zivilprozessordnung der Vereinigten  
Staaten, Paragraph 119 aller unten angegebenen  
Auslandsanmeldungen für ein Patent oder eine  
Erfindersurkunde, und habe auch alle Auslandsanmeldungen  
für ein Patent oder eine Erfindersurkunde nachstehend  
gekennzeichnet, die ein Anmeldedatum haben, das vor dem  
Anmeldedatum der Anmeldung liegt, für die Priorität  
beansprucht wird.

I hereby claim foreign priority benefits under Title 35, United  
States Code, §119 of any foreign application(s) for patent or  
inventor's certificate listed below and have also identified  
below any foreign application for patent or inventor's  
certificate having a filing date before that of the application on  
which priority is claimed:

**Declaration and Power of Attorney For Patent Application  
Erklärung Für Patentanmeldungen Mit Vollmacht  
German Language Declaration**

**Prior foreign applications  
Priorität beansprucht**

<u>102 56 869.3</u> (Number) (Nummer)	<u>Federal Republic of Germany</u> (Country) (Land)
<u>                    </u> (Number) (Nummer)	<u>                    </u> (Country) (Land)
<u>                    </u> (Number) (Nummer)	<u>                    </u> (Country) (Land)

**Priority Claimed**

<u>4 December 2002</u> (Day/Month/Year Filed) (Tag/Monat/Jahr eingereicht)	<input checked="" type="checkbox"/> Yes Ja	<input type="checkbox"/> No Nein
<u>                    </u> (Day/Month/Year Filed) (Tag/Monat/Jahr eingereicht)	<input type="checkbox"/> Yes Ja	<input type="checkbox"/> No Nein
<u>                    </u> (Day/Month/Year Filed) (Tag/Monat/Jahr eingereicht)	<input type="checkbox"/> Yes Ja	<input type="checkbox"/> No Nein

Ich beanspruche hiermit Prioritätsvorteile unter Title 35, US-Code, § 119(e) aller US-Hilfsanmeldungen wie unten aufgezählt.

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

<u>                    </u> (Application Serial No.) (Anmeldeseriennummer)	<u>                    </u> (Filing Date) (Anmeldedatum)
--	--

<u>                    </u> (Application Serial No.) (Anmeldeseriennummer)	<u>                    </u> (Filing Date) (Anmeldedatum)
--	--

Ich beanspruche hiermit gemäß Absatz 35 der Zivilprozessordnung der Vereinigten Staaten, Paragraph 120, den Vorzug aller unten aufgeführten Anmeldungen und falls der Gegenstand aus jedem Anspruch dieser Anmeldung nicht in einer früheren amerikanischen Patentanmeldung laut dem ersten Paragraphen des Absatzes 35 der Zivilprozessordnung der Vereinigten Staaten, Paragraph 112 offenbart ist, erkenne ich gemäß Absatz 37, Bundesgesetzbuch, Paragraph 1.56(a) meine Pflicht zur Offenbarung von Informationen an, die zwischen dem Anmeldedatum der früheren Anmeldung und dem nationalen oder PCT internationalen Anmeldedatum dieser Anmeldung bekannt geworden sind.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>                    </u> (Application Serial No.) (Anmeldeseriennummer)	<u>                    </u> (Filing Date) (Anmeldedatum)
--	--

<u>                    </u> (Status) (patentiert, anhängig, aufgegeben)	<u>                    </u> (Status) (patented, pending, abandoned)
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<u>                    </u> (Application Serial No.) (Anmeldeseriennummer)	<u>                    </u> (Filing Date) (Anmeldedatum)
--	--

<u>                    </u> (Status) (patentiert, anhängig, aufgegeben)	<u>                    </u> (Status) (patented, pending, abandoned)
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Ich erkläre hiermit, dass alle von mir in der vorliegenden Erklärung gemachten Angaben nach meinem besten Wissen und Gewissen der vollen Wahrheit entsprechen, und dass ich diese eidesstattliche Erklärung in Kenntnis dessen abgebe, dass wissentlich und vorsätzlich falsche Angaben gemäß Paragraph 1001, Absatz 18 der Zivilprozessordnung der Vereinigten Staaten von Amerika mit Geldstrafe belegt und/oder Gefängnis bestraft werden koennen, und dass

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued

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derartig wissentlich und vorsätzlich falsche Angaben die  
Gültigkeit der vorliegenden Patentanmeldung oder eines  
darauf erteilten Patentes gefährden können.

thereon.

**VERTRETUNGSVOLLMACHT:** Als benannter Erfinder  
beauftrage ich hiermit den nachstehend benannten  
Patentanwalt (oder die nachstehend benannten  
Patentanwälte) und/oder Patent-Agenten mit der Verfolgung  
der vorliegenden Patentanmeldung sowie mit der  
Abwicklung aller damit verbundenen Geschäfte vor dem  
Patent-und Warenzeichenamt: *(Name und  
Registrierungsnummer anführen):* CUSTOMER NO. 22428

Pavan K. Agarwal, Reg. No. 40,888; George C. Beck, Reg. No. 38,072; Stephen A. Bent, Reg. No. 29,768; David A. Blumenthal, Reg. No. 26,257; Beth A. Burrous, Reg. No. 35,087; Alan I. Cantor, Reg. No. 28,163; William T. Ellis, Reg. No. 26,874; John J. Feldhaus, Reg. No. 28,822; Michael D. Kaminski, Reg. No. 32,094; Mary Michelle Kile, Reg. No. 35,217; Kenneth E. Krosin, Reg. No. 25,735; Glenn Law, Reg. No. 34,371; Peter G. Mack, Reg. No. 26,001; Stephen B. Maebius, Reg. No. 35,264; Brian J. McNamara, Reg. No. 32,789; Richard C. Peet, Reg. No. 35,792; George E. Quillin, Reg. No. 32,792; Andrew E. Rawlins, Reg. No. 34,702; Bernhard D. Saxe, Reg. No. 28,665; Richard L. Schwaab, Reg. No. 25,479; Michele M. Simkin, Reg. No. 34,717; Harold C. Wegner, Reg. No. 25,258.

Telefongesprache bitte richten an:

*(Name und Telefonnummer)*

RICHARD L. SCHWAAB (202) 672-5300  
CUSTOMER NO. 22428

Postanschrift: FOLEY & LARDNER LLP  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5109  
CUSTOMER NO. 22428

**POWER OF ATTORNEY:** As a named inventor, I hereby  
appoint the following attorney(s) and/or agent(s) to prosecute  
this application and transact all business in the Patent and  
Trademark Office connected therewith. *(List name and  
registration number):* CUSTOMER NO. 22428

Pavan K. Agarwal, Reg. No. 40,888; George C. Beck, Reg. No. 38,072; Stephen A. Bent, Reg. No. 29,768; David A. Blumenthal, Reg. No. 26,257; Beth A. Burrous, Reg. No. 35,087; Alan I. Cantor, Reg. No. 28,163; William T. Ellis, Reg. No. 26,874; John J. Feldhaus, Reg. No. 28,822; Michael D. Kaminski, Reg. No. 32,094; Mary Michelle Kile, Reg. No. 35,217; Kenneth E. Krosin, Reg. No. 25,735; Glenn Law, Reg. No. 34,371; Peter G. Mack, Reg. No. 26,001; Stephen B. Maebius, Reg. No. 35,264; Brian J. McNamara, Reg. No. 32,789; Richard C. Peet, Reg. No. 35,792; George E. Quillin, Reg. No. 32,792; Andrew E. Rawlins, Reg. No. 34,702; Bernhard D. Saxe, Reg. No. 28,665; Richard L. Schwaab, Reg. No. 25,479; Michele M. Simkin, Reg. No. 34,717; Harold C. Wegner, Reg. No. 25,258.

Direct Telephone calls to:

*(Name and telephone number)*

RICHARD L. SCHWAAB (202) 672-5300  
CUSTOMER NO. 22428

Send Correspondence to: FOLEY & LARDNER LLP  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5109  
CUSTOMER NO. 22428

Voller Name des einzigen oder ursprünglichen Erfinders: <b>Werner HELMS</b>		Full name of sole or first inventor: <b>Werner HELMS</b>	
Unterschrift des Erfinders <i>W. Helms</i>	Datum <i>1.10.2004</i>	Inventor's signature	Date
Wohnsitz <b>Esslingen, Federal Republic of Germany</b>		Residence <b>Esslingen, Federal Republic of Germany</b>	
Staatsangehörigkeit <b>Federal Republic of Germany</b>		Citizenship <b>Federal Republic of Germany</b>	
Postanschrift <b>Weimarer Strasse 22, 73730 Esslingen Federal Republic of Germany</b>		Post Office Address <b>Weimarer Strasse 22, 73730 Esslingen Federal Republic of Germany</b>	
Voller Name des zweiten Miterfinders (falls zutreffend) <b>Markus RECK</b>		Full name of second joint inventor, if any <b>Markus RECK</b>	
Unterschrift des Erfinders <i>M. Reck</i>	Datum <i>5.10.04</i>	Second Inventor's signature	Date
Wohnsitz <b>Stuttgart, Federal Republic of Germany</b>		Residence <b>Stuttgart, Federal Republic of Germany</b>	
Staatsangehörigkeit <b>Federal Republic of Germany</b>		Citizenship <b>Federal Republic of Germany</b>	
Postanschrift <b>Haeckerstrasse 4, 70565 Stuttgart Federal Republic of Germany</b>		Post Office Address <b>Haeckerstrasse 4, 70565 Stuttgart Federal Republic of Germany</b>	

(Bitte entsprechende Informationen und Unterschriften im  
Falle von dritten und weiteren Miterfindern angeben.)

(Supply similar information and signature for third and  
subsequent joint inventors.)

**Declaration and Power of Attorney For Patent Application  
 Erklärung Für Patentanmeldungen Mit Vollmacht  
 German Language Declaration**

Voller Name des dritter miterfinders (falls zutreffend):		Full name of third joint inventor, if any:	
Stefan WEISE		Stefan WEISE	
Unterschrift des Erfinders	Datum	Third inventor's signature	Date
<i>Stefan Weise</i>	06.10.2004		
Wohnsitz		Residence	
Stuttgart, Federal Republic of Germany		Stuttgart, Federal Republic of Germany	
Staatsangehörigkeit		Citizenship	
Federal Republic of Germany		Federal Republic of Germany	
Postanschrift		Post Office Address	
Kyffhäuser Strasse 50, 70469 Stuttgart Federal Republic of Germany		Kyffhäuser Strasse 50, 70469 Stuttgart Federal Republic of Germany	
Voller Name des vierter miterfinders (falls zutreffend):		Full name of fourth joint inventor, if any:	
Unterschrift des Erfinders		Fourth inventor's signature	
Datum		Date	
Wohnsitz		Residence	
Staatsangehörigkeit		Citizenship	
Postanschrift		Post Office Address	
Voller Name des fünfter miterfinders (falls zutreffend):		Full name of fifth joint inventor, if any:	
Unterschrift des Erfinders		Fifth inventor's signature	
Datum		Date	
Wohnsitz		Residence	
Staatsangehörigkeit		Citizenship	
Postanschrift		Post Office Address	
Voller Name des sechster miterfinders (falls zutreffend):		Full name of sixth joint inventor, if any:	
Unterschrift des Erfinders		Sixth inventor's signature	
Datum		Date	
Wohnsitz		Residence	
Staatsangehörigkeit		Citizenship	
Postanschrift		Post Office Address	